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SUMMARY RECORD OF THE 56th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 April 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 10.50 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

(E/CN.4/1997/5, 6 and Add.1 and 2, 8, 9, 12 and Corr.1 and Add.1 and Corr.1, 48-50, 51 and Add.1, 52-54, 55 and Corr.1, 56-59, 60 and Add.1, 61, 62 and Add.1, 63, 64, 113, 114, 118, 123-125, 129 and 132; E/CN.4/1997/NGO/3-6, 12, 14-17, 21, 25, 27 and 37; A/51/457, 460, 466, 478, 479, 481, 490, 496, 538 and 542/Add.2)

1. Mr. VAN DER STOEL (Special Rapporteur on the situation of human rights in Iraq), introducing his report (E/CN.4/1997/57), said that yet another year had gone by with no improvement in the situation in Iraq. In fact, the Iraqi Government appeared to be responsible for longstanding, widespread and systematic human rights violations, and he had come to the conclusion that the political and legal order in Iraq was at the root of that situation. That meant that the violation of human rights in Iraq was not only systematic, but fundamentally inherent in the system. There was no rule of law in Iraq and all power was concentrated in the hands of the President. The freedoms of opinion, expression, association and assembly were non-existent, a fact which resulted in widespread violations of the right to liberty and to personal security. Thus, it was not surprising that he was receiving reports of arbitrary arrests, detentions and executions. One especially cruel aspect of the situation was the systematic practice of enforced disappearance. According to the report of the Working Group on Enforced and Involuntary Disappearances, Iraq, with 16,199 cases still unresolved, had the worst record in the world in that regard. Moreover, that figure did not include Kuwaitis and third-country nationals who had disappeared following Iraq's illegal occupation of Kuwait.

2. In view of the large number of disappearances, he was disturbed by the fact that the Iraqi Government appeared unwilling to make any effort to help families to discover the fate of their loved ones. That attitude was indicative of the Iraqi Government's general attitude with regard to human rights.

3. The fate of the Kurdish and non-Kurdish population living in the north of Iraq was a source of particular concern. In his interim report to the General Assembly (A/51/496/Add.1), he had reported the violent attack on 31 August 1996 by over 30,000 Iraqi troops, backed by tanks and artillery, against the city of Arbil, capital of the predominantly Kurdish autonomous region. The Government had argued that its intervention had been requested by the President of the Kurdish Democratic Party (KDP), which had sought to regain control of the city from the Patriotic Union of Kurdistan (PUK). In any case, the use of such disproportionate force against civilian targets was incompatible with Iraq's obligations under international human rights law and international humanitarian law. In fact, that attack had also been aimed at quelling opposition and combating the influence of persons in the region who were considered hostile to the Government. There again, the behaviour of the

Iraqi troops, who had engaged in arbitrary and summary executions, including at least one mass execution, was totally incompatible with Iraq's international obligations.

4. In the face of such terror, large numbers of persons had again chosen to flee the country. Those who had been unable to cross the border were scattered in northern Iraq, where they were living in precarious health and economic conditions and far from the regular forces of the Government of Iraq, but at the mercy of Iraqi agents who were known to kill with impunity.

5. He welcomed the fact that the implementation of Security Council resolution 986 (1995) was progressing. According to recent reports, the Sanctions Committee had approved over 40 contracts for the sale of oil. Of the $750 million in resulting revenue, $519 million had been spent on humanitarian supplies and $236 million had been paid to the Compensation Fund. As of the end of March 1997, the Sanctions Committee had approved 57 contracts for the purchase of foodstuffs and medicines, and the first cargo of Thai rice had been delivered to the port of Umm Qasr. The value of the Iraqi dinar had soared, making commodities more affordable to the population, but the problem of the equitable distribution of available resources, including the newly purchased humanitarian supplies, remained a source of concern. As of early April, 115 international observers from various United Nations agencies had been deployed in the country, but that international presence would be insufficient owing to the long experience of the Iraqi authorities in avoiding their obligations. In that connection, he noted that the international observers were still not free to move throughout the country in order to ensure that the benefits of the sale of oil were really distributed to the very large number of people in genuine need.

6. In any case, so long as the political and legal order in Iraq remained unchanged, the Iraqi Government would never comply with its international obligations and the people would not be free to live in dignity or to realize their aspirations.

7. Mr. ALDOURI (Observer for Iraq) began by emphasizing that information sources were a primary factor in the credibility of the Special Rapporteur, who had relied primarily on two sources: agents having connections with foreign States and the Central Intelligence Agency (CIA), whose hostile attitude towards Iraq was well-known. The events which had taken place in northern Iraq since 31 August 1996 and which had been reported by numerous press agencies had, moreover, demonstrated the extent to which the so-called Iraqi opposition groups were linked to the CIA.

8. With regard to the alleged violations of civil and political rights, the Special Rapporteur had tended to repeat his previous remarks about the legal and political nature of the Iraqi Government. He had stated that Iraq had not met its obligations under article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights. That statement was totally false since the Iraqi people, including ethnic and religious minorities, were free to express their opinions through associations, social gatherings, the press, radio and television. In Iraq, the collective will had been expressed through elections to the National Assembly, the 1995 referendum on the Presidency, which had been attended by

hundreds of politicians and media representatives, and the 1996 elections to the People's Councils. The Government of Iraq had already responded to those allegations in detailed reports presented to the Third Committee of the General Assembly and to the Commission on Human Rights.

9. With regard to the events of 31 August 1996, the central Government had provided support to the Kurdish people in the north of the country, at the request of one of the Kurdish factions, in a limited operation with almost no casualties. The Iraqi troops had then withdrawn to their bases, as confirmed by all observers. Those events had made it clear that America and its agents were attempting to destabilize the national Government and the country as a whole, a fact which had become obvious when the United States had begun to evacuate its agents - the so-called Iraqi opposition - to Guam.

10. With regard to "disappearances", the Iraqi Government had spared no effort to reply to the inquiries made by the Working Group on Enforced or Involuntary Disappearances. However, it recognized that some disappearances were linked to the serious problems which Iraq had faced during the eight-year war with Iran and the riots which had broken out in the wake of military coalition aggression against Iraq in 1991. The question of the missing Kuwaitis was currently being studied by the competent bodies - the Tripartite Committee and its technical subcommittee under the auspices of the International Committee of the Red Cross (ICRC). Despite the fact that Iraq had cooperated fully in that area, some were seeking to politicize that humanitarian problem in order to prolong the embargo.

11. In that respect, he was surprised that the Special Rapporteur had concentrated on the psychological and other types of suffering of the relatives of the missing persons yet had paid no attention to the terrible fate of the 4 million Iraqi children under the age of 5 who, according to the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP), faced death or, as stated by the UNICEF representative in Baghdad, died each month of malnutrition and other diseases.

12. The Special Rapporteur continued to confine himself to stylistic phrases about dictatorship and the suppression of freedom of expression and opinion, adding nothing new to his old allegations. With regard to the right to adequate food and health care, the Commission would recall that, on 20 May 1996, Iraq and the United Nations had signed a Memorandum of Understanding on practical procedures for the implementation of Security Council resolution 986 (1995). Surprisingly, the Special Rapporteur had yet to mention that right and, since the beginning of his mandate in 1991, had totally ignored the Iraqi people's hardships in that regard. In his report, the Special Rapporteur had noted the delay in the distribution of humanitarian supplies, but the Iraqi delegation wished that he had also spoken out about those who were blocking those supplies and that he had asked them to implement resolution 986 (1995) in an objective manner free from political considerations.

13. The Special Rapporteur's conclusions were unbalanced and ignored the progress made in the promotion of democracy and human rights. In fact, the Special Rapporteur had merely reiterated the false allegations and accusations

contained in his previous reports, which reflected hostile political attitudes towards Iraq aimed at fragmenting the country and destroying its national unity.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEMS 5, 19, 16 AND 8

Draft resolution under agenda item 5

Draft resolution E/CN.4/1997/L.26/Rev.1 (Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights)

14. Mr. CARMO (Observer for Portugal), introducing the draft resolution, said he welcomed the spirit of compromise displayed during its preparation. The draft reflected the far-reaching proposals made by the Committee on Economic, Social and Cultural Rights, such as the adoption of a plan of action which would increase its ability to assist Governments in carrying out their reporting obligations, the appointment of a special rapporteur on economic, social and cultural rights and the possibility of submitting communications concerning non-compliance with the provisions of the Covenant. It therefore requested the Secretary-General to submit a report on the views and reactions of the interested parties concerning these proposals so that the Commission could decide what action was to be taken. The sponsors hoped that the draft resolution, which had in some ways departed from the traditional framework in order to reflect more accurately the current international human rights agenda, would be adopted without a vote.

15. Mrs. KLEIN (Secretary of the Commission) announced that Canada, Ireland, Austria, India, Hungary, Cape Verde, Australia, the Philippines and Sweden had become sponsors of the draft resolution.

16. Mr. DENNIS (United States of America) said the United States attached great importance to the proclamation in the Universal Declaration of Human Rights that everyone had the right to a standard of living adequate for the health and well-being of himself and his family, including food and housing. He welcomed the draft resolution's endorsement of the Istanbul Declaration on Human Settlements, the Habitat Agenda, the Rome Declaration on World Food Security and the World Food Summit Plan of Action, all of which recognized the importance of the full and progressive realization of the right to adequate shelter and safe and nutritious food and the responsibility of Governments and role of the private sector and civil society in that regard. To that end, his Government was taking further steps to improve global food security and access to housing and, in cooperation with non-governmental organizations (NGOs), was developing initiatives in response to the commitments made at Rome and Istanbul.

17. The United States was pleased to join the consensus on a draft resolution which dealt with recognized rights and aspirations to the extent that it promoted human development in an integrated and sustainable way, recognized the centrality of the individual and the attainment of civil and

political rights and had a practical and realistic orientation, despite the fact that some of its elements - such as the possibility of carrying out a study of the effects of structural adjustments - did not meet those criteria.

18. Draft resolution E/CN.4/1997/L.26/Rev.1 was adopted without a vote.

Draft resolution under agenda item 19

Draft resolution E/CN.4/1997/L.38 (Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief)

19. Mr. BIGGAR (Ireland), introducing the draft resolution, read out a number of revisions to which the sponsors had agreed. First, paragraph 2 was amended in the following manner in order to reproduce the exact title of the Declaration:

> "Expresses grave concern at and condemns all forms of intolerance and of discrimination based on religion or belief;".

It had been decided to combine paragraphs 3 (c) and (g) to read:

> "In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, including practices which violate the human rights of women and discriminate against women;".

In the English text of paragraph 3 (f), the words "to exert utmost efforts" had been moved to the beginning of the sentence.

20. For stylistic reasons, the word "including" in paragraph 6 of the English text should be replaced by "inter alia through". Paragraph 8 had been amended to read:

> "Welcomes the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;".

In paragraph 9, the word "elements" had been replaced by "actors". Last, paragraph 11 had been amended to read:

> "Considers it desirable to enhance the promotional and public information aspect of the United Nations in matters relating to freedom of religion or belief and to ensure, as a matter of priority, the widest possible dissemination of the text of the Declaration by United Nations information centres, as well as by other interested bodies;".

The authors hoped that the amended text would be adopted without a vote as in previous years.

21. Mrs. KLEIN (Secretary of the Commission) announced that the following States had become sponsors of the draft resolution: San Marino, Bulgaria, Greece, Chile, Tunisia, Israel, Croatia, South Africa, India, United Kingdom, Estonia, New Zealand, Czech Republic, El Salvador, Belgium, Philippines, Uruguay, Poland, United States of America, Venezuela, Senegal, Ukraine and Togo.

22. Draft resolution E/CN.4/1997/L.38, as amended, was adopted without a vote.

Draft resolutions and decisions under agenda item 16

Draft resolution E/CN.4/1997/L.34 (Traffic in women and girls)

23. Ms. BAUTISTA (Philippines), introducing the draft resolution, read out the revisions on which the sponsors had agreed. The beginning of paragraph 4 had been amended to read:

> "Invites Governments to take steps to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms;".

The remainder of the paragraph had become a new paragraph, reading:

> "Also invites Governments, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of victims;".

The other paragraphs had been renumbered accordingly. Paragraph 6 (new paragraph 7) had been amended to read:

> "Notes with appreciation the reports of the Special Rapporteurs on violence against women and on the sale of children, child prostitution and child pornography, particularly with respect to the traffic in persons, and encourages them to continue to address this problem among their priority concerns;".

The sponsors hoped that the draft resolution would be adopted without a vote.

24. Mrs. KLEIN (Secretary of the Commission) said that Germany, the Czech Republic, Uruguay, Portugal, Madagascar, Belgium, Chile, Bangladesh and Egypt had become sponsors of the draft resolution.

25. Draft resolution E/CN.4/1997/L.34, as orally amended, was adopted.

Draft decision E/CN.4/1997/L.39 (Human rights of persons with disabilities)

26. Mr. DENHAM (Ireland), introducing the draft decision, said that the proposal to consider the matter on a biennial basis in no way implied that its importance had declined. On the contrary, the initiative would make it possible to integrate the issue of disability more effectively into the work

of the Commission in 1998, the fiftieth anniversary of the Universal Declaration of Human Rights. Furthermore, the decision included an invitation for the Special Rapporteur on disability of the Commission for Social Development to participate in the fifty-fourth session of the Commission. His delegation hoped that the draft decision would be adopted without a vote.

27. Mrs. KLEIN (Secretary of the Commission) announced that the Czech Republic and Venezuela had become sponsors of the draft decision.

28. Mr. COMBA (Centre for Human Rights), explaining the financial implications of the draft decision, said that the expenses associated with the participation of the Special Rapporteur of the Commission for Social Development would amount to approximately US$ 3,000, to be covered under the "travel expenses" heading in the Commission's 1998-1999 budget.

29. Mr. VAN WULFFTEN PALTHE (Netherlands) said that by covering the costs of participation of experts from other committees in that way, the Commission might compromise the activities of its own special rapporteurs. He therefore asked whether it would not be possible to cover that cost under another item of expenditure.

30. Mr. COMBA (Centre for Human Rights) said it was rare for the travel budget to be fully spent. The necessary sum was fairly small and could easily be absorbed.

31. Draft decision E/CN.4/1997/L.39 was adopted without a vote.

Draft resolution E/CN.4/1997/L.41 (Contemporary forms of slavery)

32. Mr. VAN WULFFTEN PALTHE (Netherlands), introducing the draft resolution, said it dealt with an important problem which was associated with other matters considered by the Commission and required careful preparation. It was therefore recommended that it should be examined on a biennial basis in order to permit a better grasp of the problems involved. The sponsors hoped that the draft resolution would be adopted without a vote.

33. Mrs. KLEIN (Secretary of the Commission) announced that Canada, Madagascar, Norway, Poland and the Czech Republic had become sponsors of the draft resolution.

34. Draft resolution E/CN.4/1997/L.41 was adopted without a vote.

Draft resolution E/CN.4/1997/L.42 (Minimum humanitarian standards)

35. Mr. WILLE (Observer for Norway), introducing the draft resolution, said that the sponsors were concerned at the large number of situations where internal violence undermined the protection of human rights and entailed extensive suffering and violations of the principles of humanity which should govern the behaviour of all persons, groups and public authorities. They recognized the desirability of identifying principles applicable to all situations in a manner consistent with international law.

36. The Commission should, therefore, request the Secretary-General, in cooperation with ICRC and bearing in mind the information from Governments, the relevant United Nations agencies and bodies, and intergovernmental and non-governmental organizations and the issues raised at the International Workshop on Minimum Humanitarian Standards, held at Cape Town in September 1996, to prepare an analytical report on the issue of fundamental standards of humanity and to submit that report to the Commission at its fifty-fourth session.

37. The sponsors hoped that the draft resolution, which was the result of extensive consultations, would be adopted without a vote.

38. Mrs. KLEIN (Secretary of the Commission) announced that Ireland, the United States of America, Liechtenstein, Ukraine and Israel had become sponsors of the draft resolution.

39. Mr. ALFONSO MARTINEZ (Cuba) thanked the delegation of Norway for having agreed to several of the suggestions made by his own delegation during consultations and said that the words "internal violence" in the first preambular paragraph lent themselves to all kinds of interpretations and should therefore be defined from the point of view of international law. The same was true of the words "principles applicable to all situations" in operative paragraph 1. His delegation considered that the words "the rule of law" in operative paragraph 2 meant that each State was required to respect both its own legislation and the international legal commitments freely entered into. Those few points having been clarified, his delegation would not oppose adoption of the draft resolution without a vote.

40. Mr. SINGH (India), referring to operative paragraph 4, which called upon the Secretary-General to submit to the Commission an analytical report on the issue of fundamental standards of humanity, said he believed that the distinction between humanitarian law and human rights law should be maintained. Attempts to combine the two would only lead to a dilution of existing standards. Moreover, even at the Workshop held in Cape Town, there had been no consensus on the need to identify such fundamental standards of humanity. His delegation was not convinced that it was feasible to entrust such a task to the Secretary-General until that very complex issue had been further discussed, particularly by academics, NGOs and ICRC.

41. His delegation would not oppose adoption of the draft resolution without a vote but, should it be put to a vote, would abstain.

42. Draft resolution E/CN.4/1997/L.42 was adopted without a vote.

Draft resolution E/CN.4/1997/L.43 (Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities)

43. Mr. HÖYNCK (Germany) said that while many members of the Commission had stated during the discussions under agenda item 16 that they welcomed the Sub-Commission's efforts to improve its methods of work, they had nevertheless been convinced of the urgent need to undertake additional reforms. The draft resolution had been prepared with that end in view.

44. As a result of suggestions that had been made, the sponsors of the draft resolution proposed the words "unless, in" in the third line of paragraph 3 (b) should be replaced by the words "and furthermore limit action to" and that the words "of which a member of the Sub-Commission is a national" at the end of paragraph 3 (d) should be replaced by the words "specific country". He hoped that the draft resolution would be adopted without a vote.

45. Mrs. KLEIN (Secretary of the Commission) announced that the following States had become sponsors of the draft resolution: Argentina, Poland, Peru, Hungary, Madagascar, Sweden, Japan, New Zealand, United States of America, Luxembourg and Russian Federation.

46. Mr. ALFONSO MARTINEZ (Cuba) said that the amendments just made would enable his delegation to support the draft resolution.

47. Draft resolution E/CN.4/1997/L.43, as orally amended, was adopted.

Draft decision 2 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41) (Traditional practices affecting the health of women and children)

48 Mr. COMBA (Centre for Human Rights), explaining the financial implications of the draft decision, under which the mandate of the Special Rapporteur on traditional practices affecting the health of women and children would be extended for a further two years, said that the sum of US$ 13,000 to cover the Special Rapporteur's travel expenses would be included in the proposed programme budget for the biennium 1998-1999. The 1997 expenses would be covered by funds allocated under section 21 of the programme budget for the biennium 1996-1997.

49. Draft decision 2 recommended by the Sub-Commission was adopted without a vote.

50. The CHAIRMAN invited delegations to explain their vote on the draft resolutions and decisions under agenda item 16.

51. Mr. STEEL (United Kingdom) said the United Kingdom reserved the right to revert to the subject of the financial implications of draft decision E/CN.4/1997/39 in the Economic and Social Council. At that time, he would also raise the question of why the travel budget for the Commission's Special Rapporteurs was apparently not being fully used.

52. Mr. DENHAM (Ireland) said that if meeting the costs of the activities called for under draft decision E/CN.4/1997/L.39 posed a problem, his Government was prepared to cover them.

Draft resolutions and decisions under agenda item 8

Draft decision E/CN.4/1997/32 (Children and juveniles in detention)

53. Mr. STROHAL (Austria), introducing the draft decision, said that great progress had been made during the previous years with regard to the

implementation of international standards of human rights in the administration of justice, particularly with regard to children and juveniles in detention. That progress had been due in part to implementation of technical cooperation programmes and to the activities of the High Commissioner for Human Rights and the Commission on Crime Prevention and Criminal Justice. In order for the Commission to improve its methods of work, it should decide to follow the General Assembly's example in considering the question, with all due attention, on a biennial basis.

54. Mrs. KLEIN (Secretary of the Commission) announced that Romania, the Czech Republic and Equatorial Guinea had become sponsors of the draft decision.

55. Draft decision E/CN.4/1997/L.32 was adopted without a vote.

Draft resolution E/CN.4/1997/L.49 (Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers)

56. Mr. DEKANY (Observer for Hungary), introducing the draft resolution, said that the word "Offenders", in the sixth preambular paragraph should be followed by the words "held at Cairo from 29 April to 8 May 1995,".

57. The independence of the judiciary was one of the primary pillars of democracy, the rule of law and respect for human rights. In the draft resolution, which was based on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and the Commission's own previous resolutions on the matter, the Commission recalled the relevant General Assembly resolutions, the Declarations adopted at Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific and at Cairo in November 1995 by the Third Conference of Francophone Ministers of Justice and the recommendations made by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

58. Noting with concern the increasingly frequent attacks on the independence of judges, lawyers and court officers, the Commission acknowledged the importance of the Special Rapporteur being able to cooperate closely with the Centre for Human Rights in the field of advisory services. As in previous years, it noted with appreciation the determination of the Special Rapporteur to achieve wide dissemination of information about existing standards. It also urged Governments to assist the Special Rapporteur in the discharge of his mandate, which it decided to extend for a further period of three years.

59. He hoped that the draft resolution, which was the result of extensive consultations, would, as in previous years, be adopted without a vote.

60. Mrs. KLEIN (Secretary of the Commission) announced that Liechtenstein and Senegal had become sponsors of the draft resolution.

61. Mr. COMBA (Centre for Human Rights) said that in order for the Special Rapporteur to carry out his mandate, $68,000 would be earmarked under the

proposed programme budget for the biennium 1998-1999. The 1997 expenses would be covered under section 21 of the programme budget for the biennium 1996-1997.

62. Draft resolution E/CN.4/1997/L.49, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1997/L.50 (Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)

63. Ms. THOMPSON (Observer for Costa Rica), introducing the draft resolution, said the purpose of the draft optional protocol was to set up a preventive system of regular visits to places of detention. The Commission would extend the mandate of the working group on the draft optional protocol with a view to finalizing that instrument. The sponsors hoped that the draft resolution would, as in previous years, be adopted without a vote.

64. Mrs. KLEIN (Secretary of the Commission) announced that Estonia, Canada, Colombia, Belarus, Venezuela and Ecuador had become sponsors of the draft resolution.

65. Mr. COMBA (Centre for Human Rights) said that the cost of the services to be provided to the working group would be met from section 26 (Conference services) of the programme budget for the biennium 1996-1997.

66. Draft resolution E/CN.4/1997/L.50 was adopted without a vote.

Draft resolution E/CN.4/1997/L.51 (Torture and other cruel, inhuman or degrading treatment or punishment)

67. Mr. FREDERIKSEN (Denmark), introducing the draft resolution, drew the attention of the members of the Commission to the fact that, after further consultations, the sponsors had agreed to delete the words "especially those mentioned by the Special Rapporteur in his report," from paragraph 27.

68. After summarizing the main provisions of the draft (second preambular paragraph and operative paragraphs 12, 17, 18 and 33), he noted that the text submitted to the Commission was the result of lengthy, open-ended consultations between a large number of sponsors and interested delegations. His Government considered the elimination of torture to be a priority. The draft resolution that had been submitted would contribute to the achievement of that goal, and the sponsors hoped that it would be adopted without a vote.

69. Mrs. KLEIN (Secretary of the Commission) announced that the following States had become sponsors of the draft resolution: Sweden, Bulgaria, United States of America, South Africa, Lithuania, Madagascar, Ireland, New Zealand, United Kingdom, Costa Rica, France, Belgium, Australia, Poland, Portugal, Belarus and Venezuela.

70. Mr. LI Baodong (China) said that in recent years, China had consistently supported the resolutions on the question of torture. During the current session, his delegation had once again participated actively in the

consultations in the hope that the draft resolution could be adopted by consensus. Unfortunately, owing to the fact that one of the sponsors had done its best to ensure that the proposals of China and other States, however reasonable, were ignored, it had been impossible to arrive at a consensus on paragraphs 18 and 27. His delegation welcomed the fact that paragraph 27 had been amended, but that was not enough. He considered it inappropriate to commend the Special Rapporteur on his report since some of the allegations it contained were utterly unfounded. That opinion, moreover, was shared by many delegations.

71. His delegation requested a roll-call vote on the draft resolution and intended to abstain from voting on it.

72. Mr. ZAHRAN (Egypt) said that his country, which was a party to the Convention against Torture, condemned that practice, which could not be justified on any pretext. In response to the observations of the Chinese delegation, he suggested that the words "Commends the Special Rapporteur on his report" in paragraph 18 should be replaced by "Takes note of the report of the Special Rapporteur" since that wording was likely to be acceptable to all delegations.

73. Mr. J.A. FERNANDEZ (Cuba) said his delegation had also participated in the consultations on the draft resolution and that not all of the amendments it had proposed had been included in the text. However, he acknowledged the efforts made by Denmark. With regard to the observations made by the representatives of China and Egypt, he proposed that the Commission should devote somewhat more time to the issue in order to make it possible for that important draft resolution to be adopted by consensus.

74. Mr. HYNES (Canada) said that in the Commission's previous resolutions on the matter it had always commended the Special Rapporteur on his report, and he did not see why it should not do so again at its current session. The Special Rapporteur had submitted a complete, well-documented and fair report, and it would not be fair to him simply to take note of it. For all those reasons, his delegation asked China to reconsider its position on the matter.

75. Mr. STEEL (United Kingdom) said that he appreciated the Egyptian delegation's efforts to find a compromise solution but that the stakes were too high for him to accept the proposed wording. He did not understand why the Chinese delegation was making such an issue of paragraph 18 since the wording in question had already been used in previous resolutions without any opposition from the Chinese delegation. For obvious reasons, the question of torture was central to the concerns of the international community. To alter the wording of paragraph 18 of the draft resolution, as some had proposed, might give the impression that the Commission did not attach due importance to the question of torture. His delegation therefore asked China to reconsider its position.

76. Mr. LI Baodong (China) said for many years his country had actively contributed to adoption of the draft resolutions on torture by consensus. If there had been problems during the current session, it was because of the attitude of one of the sponsors. Having regard to the proposals made by Egypt

and Cuba, and in a spirit of compromise, he associated himself with the proposal that more time should be devoted to consultations on the draft resolution.

77. Mr. DEMBRI (Algeria) expressed surprise at the direction the discussion was taking since all delegations appeared to accept the substance of the draft resolution. Personally, he fully agreed with the current wording of paragraph 18 and saw no great difference between that wording and the one proposed by the representative of Egypt. To take note of the report was also a way of saying that it was interesting and of recognizing the quality of the work that had been done. Since it was important for the draft resolution to be adopted by consensus, he saw no reason why the delegations concerned should not hold further consultations in order to find a solution.

78. Mr. VERGNE SABOIA (Brazil) said that if the draft resolution was put to a vote, he would vote in favour. However, he would prefer further efforts to be made in order to achieve consensus.

79. Mr. SIMKHADA (Nepal) supported the proposal of the Egyptian delegation.

80. The CHAIRMAN said that since the majority of delegations appeared to support the Cuban delegation's proposal, he proposed that the Commission should postpone its decision on draft resolution E/CN.4/1997/L.51 until later in the day.

81. It was so decided.

Draft resolution E/CN.4/1997/L.53 (United Nations staff)

82. Mr. CARMO (Observer for Portugal), introducing the draft resolution, said that its preparation had been influenced by incidents which had occurred during the past few months and which had led the President of the Security Council to make a statement on 12 March in which he had expressed grave concern at the recent proliferation of attacks and increased use of force against United Nations and other personnel acting under the authority of the United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting and other hostile acts.

83. The Secretary-General was requested to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations staff members and to commission a comprehensive study to shed further light on the safety and security problems faced by those staff members, taking into account the evolution of the nature of United Nations missions around the world.

84. The draft also mentioned the status of the Convention on the Safety of United Nations and Associated Personnel and called upon States to promptly become parties thereto. The sponsors also emphasized the importance of the relevant principles on protection found in the Conventions relating to the privileges and immunities of the United Nations and the specialized agencies.

85. The United Nations Staff Association had made useful comments on the draft. Since the draft resolution was the result of wide consultations between all the regional groups, the sponsors hoped that it would be adopted without a vote.

86. Mrs. KLEIN (Secretary of the Commission) announced that Norway, Poland, the United Kingdom, Malta, New Zealand, Australia, Madagascar, Liechtenstein and Egypt had become sponsors of the draft resolution.

87. Ms. PEREZ DUARTE y NOROÑA (Mexico) said she supported the provisions of the draft resolution. However, she wished to point out that when the General Assembly had adopted resolution 49/59, opening the Convention on the Safety of United Nations and Associated Personnel for signature, Mexico had stated in explanation of vote that, while it recognized the importance of protecting United Nations personnel and had supported the negotiations in a spirit of conciliation and cooperation, it considered that time was required in order to clarify certain principles governing relations between States and United Nations peace-keeping operations. She therefore hoped that the lack of clarity of that Convention would not hinder its implementation.

88. Draft resolution E/CN.4/1997/L.53 was adopted without a vote.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 57th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 April 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

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(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

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(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

The meeting was called to order at 3.30 p.m.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 8) (continued) (E/CN.4/1997/L.51, L.54, L.56-L.58 and L.79; E/CN.4/1997/2-E/CN.4/Sub.2/1996/41)

Draft resolution on the question of enforced or involuntary disappearances (E/CN.4/1997/L.54)

1. Mr. BERNARD (France), introducing the draft resolution on behalf of its sponsors, said it urged States to cooperate with the Working Group on Enforced or Involuntary Disappearances and to give effect to legislation on such disappearances. He hoped that it would be adopted by consensus.

2. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Brazil, Cuba, Ecuador and the Russian Federation and the observers for Equatorial Guinea, Israel and Senegal had become sponsors of the draft resolution.

3. Mr. ALFONSO MARTINEZ (Cuba) said he would like to be reassured that the decision by a country not to invite the Working Group, as provided for in paragraph 4, subparagraph (d), or to postpone such an invitation, would not be held against the country in question. Some working groups received a negative impression if the invitation they sought was not immediately forthcoming.

4. Mr. BERNARD (France), noting that the delegation of Cuba was a sponsor of the draft resolution, said that the subparagraph in question contained no elements tending to any derogatory conclusion if a country did not issue an invitation.

5. Draft resolution E/CN.4/1997/L.54 was adopted.

Draft resolution on the right to freedom of opinion and expression (E/CN.4/1997/L.56)

6. Ms. NÖLKE (Canada), introducing the draft resolution on behalf of its sponsors, said that a new element was the recognition that those who exercised the right to freedom of expression were frequently victims of long-term detention and extrajudicial killing. The resolution also tackled the challenge posed by new communications technologies. As the result of

discussions with interested delegations, the last two lines of paragraph 10 were to be deleted; the paragraph would thus end with the words "freedom of expression;".

7. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Bangladesh, Colombia, Dominican Republic, Ecuador, Egypt, El Salvador, Madagascar, Nepal, Philippines, Russian Federation, Uganda, Ukraine, United States of America and Uruguay and the observers for Equatorial Guinea, Greece, New Zealand, Poland, Romania, Togo and Venezuela had become sponsors of the draft resolution.

8. Draft resolution E/CN.4/1997/L.56, as orally revised, was adopted.

Draft resolution on hostage-taking (E/CN.4/1997/L.57)

9. Mr. URRUTIA (Observer for Peru), introducing the draft resolution, of which the representatives of Algeria, Bangladesh, Belarus, Bhutan, Dominican Republic, India, Indonesia, Ireland, Italy, Madagascar, Netherlands, Nicaragua, Philippines, Republic of Korea, Sri Lanka, United Kingdom and United States of America and the observers for Australia, Costa Rica, Cyprus, Equatorial Guinea, Greece, Iraq, Israel, Poland, Portugal, Spain and Venezuela had become sponsors, said that all regions, religions, cultures and legal systems in the world were united in condemning the practice of hostage-taking. At the current session, his delegation felt a particular obligation to introduce the draft resolution, which, inter alia, invited non-governmental organizations (NGOs) to join States in condemning acts of hostage-taking.

10. Draft resolution E/CN.4/1997/L.57 was adopted.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1997/L.51)

11. Mr. FREDERIKSEN (Denmark) said that, as a result of constructive consultations, the sponsors had revised paragraph 18 to read:

> "18. Commends the Special Rapporteur for his work as reflected in his report (E/CN.4/1997/7);".

12. Mr. LI Baodong (China) said that his delegation was still not completely satisfied with paragraph 18 as revised, but would agree to join the consensus out of consideration for the wishes of the developing countries. However, he emphasized that, if there were to be a vote on paragraph 18, his delegation would abstain.

13. Draft resolution E/CN.4/1997/L.51, as orally revised, was adopted without a vote.

Draft resolution on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (E/CN.4/1997/L.58)

14. Mr. LILLO BENAVIDES (Chile), introducing the draft resolution on behalf of its sponsors, said it was designed to help the victims of grave violations of human rights to receive reparation and to encourage the introduction of

legislation to that end in States where it was lacking. He hoped that the draft resolution, which could make an effective contribution to solving the problem of reparation, would be adopted without a vote.

15. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Angola, Germany, Madagascar and the Philippines and the observer for Equatorial Guinea had become sponsors of the draft resolution.

16. Draft resolution E/CN.4/1997/L.58 was adopted.

Draft resolution on the question of arbitrary detention (E/CN.4/1997/L.79)

17. Following a procedural discussion, in which Mr. ALFONSO MARTINEZ (Cuba), Mrs. KLEIN (Secretary of the Commission) and Mr. BERNARD (France) took part, the CHAIRMAN suggested that consideration of the draft resolution should be deferred until the proposed Cuban amendment thereto (E/CN.4/1997/L.99) was available in all languages. The two could then be considered together and with a revision made by the sponsors.

18. It was so decided.

Draft decisions recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41)

Draft decision No. 5 on the right to a fair trial

19. Draft decision No. 5 was adopted.

Draft decision No. 6 on the question of human rights and states of emergency

20. Draft decision No. 6 was adopted.

INDIGENOUS ISSUES (agenda item 24) (continued) (E/CN.4/1997/L.63, 70 and 77; E/CN.4/1997/2-E/CN.4/Sub.2/1996/41)

Draft resolution on a permanent forum for indigenous people in the United Nations system (E/CN.4/1997/L.63)

21. Mr. OLSEN (Denmark), introducing the draft resolution, which had more sponsors than ever before and was based on extensive consultations with a large number of interested delegations and representatives of indigenous peoples, said that it endorsed the recommendation of the General Assembly that a second United Nations workshop on the permanent forum should be held and he hoped that it would be adopted by consensus.

22. Mrs. KLEIN (Secretary of the Commission) said that the representative of Ecuador and the observers for Costa Rica and Equatorial Guinea had become sponsors of the draft resolution.

23. Mr. COMBA (Centre for Human Rights) said that the costs of the second workshop would be met from contributions to the Voluntary Fund for the International Decade of the World's Indigenous People.

24. Draft resolution E/CN.4/1997/L.63 was adopted.

Draft resolution on the working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 (E/CN.4/1997/L.70)

25. Ms. PATTERSON (Canada) said that a significant feature of the draft resolution, which would authorize a third session of the working group, was that it recognized the importance of ensuring that indigenous people were represented in the working group's deliberations. Such efforts to foster mutual understanding, respect and cooperation were necessary in order to ensure the declaration's effectiveness.

26. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Argentina, Brazil, Ecuador, Nicaragua and the United States of America and the observer for Estonia had become sponsors of the draft resolution.

27. Mrs. RUBIN (United States of America) said that, two years previously, her delegation had been instrumental in establishing the working group to elaborate a draft declaration and the mechanism to ensure the participation of indigenous people in that process. Her Government had adopted a policy of consulting directly with tribal governments and indigenous peoples on issues affecting their lives; that same principle must be applied within the working group.

28. Mr. COMBA (Centre for Human Rights) said that the 10-day session of the working group authorized by the draft resolution would be serviced by staff of the Centre for Human Rights and that the costs thereof would be absorbed from existing resources in the 1996-1997 programme budget. Conference services for the session would be financed from existing resources under section 26E of the 1996-1997 programme budget.

29. Draft resolution E/CN.4/1997/L.70 was adopted.

Draft resolution on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People (E/CN.4/1997/L.77)

30. Ms. WILSON (Observer for New Zealand) said that there were two technical corrections to be made to the draft resolution. In paragraph 14, the word "and" in the fourth line should be deleted. In paragraph 17 (a), the word "bases" should be changed to "basis".

31. The draft resolution underlined the Commission's determination to promote the human rights and fundamental freedoms of indigenous people and proposed further steps towards realizing the goals of the International Decade through enhanced international cooperation. She hoped that it would be adopted by consensus.

32. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Argentina, Brazil, Colombia, Nicaragua and the Russian Federation had become sponsors of the draft resolution.

33. Mr. COMBA (Centre for Human Rights) said that the Working Group meeting referred to in paragraph 4 of the draft resolution could be financed from existing resources under the 1996-1997 programme budget.

34. Draft resolution E/CN.4/1997/L.77 was adopted.

Draft decisions recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41)

35. The CHAIRMAN said that draft decisions 7 and 8 had been superseded by the Commission's adoption of draft resolution E/CN.4/1997/L.77 and that draft decision 9 had been superseded by the adoption of draft resolution E/CN.4/1997/L.63.

36. The penultimate sentence of draft decision 10, on the protection of the heritage of indigenous people, should be deleted, since the technical meeting it requested had already taken place. The draft decision had no financial implications.

37. Draft decision 10, as amended, was adopted.

38. The CHAIRMAN drew attention to draft decision 12, which concerned the study on treaties, agreements and other constructive arrangements between States and indigenous populations.

39. Draft decision 12 was adopted.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

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(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1997/L.37, L.55, L.59, L.60, L.62, L.64, L.66, L.67 and L.73)

Draft resolution on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) (E/CN.4/1997/L.37)

40. Mr. TYSZKO (Observer for Poland), introducing the draft resolution on behalf of its sponsors, said that it reflected the outcome of the Second International Consultation on HIV/AIDS and Human Rights and that representatives of people living with HIV/AIDS had cooperated in its preparation. The guidelines developed at the Consultation, which appeared in the annex to the draft resolution, were based on the conviction that the more human rights were protected, the less people became infected with HIV and the better they could cope with HIV/AIDS in their lives. He hoped that the draft resolution would be adopted without a vote.

41. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Germany, the United Kingdom and Uruguay and the observers for Guatemala and Togo had become sponsors of the draft resolution.

42. Draft resolution E/CN.4/1997/L.37 was adopted.

Draft resolution on the United Nations Decade for Human Rights Education (E/CN.4/1997/L.55)

43. Ms. THOMPSON (Observer for Costa Rica) said that, in view of the Commission's overloaded agenda, the draft resolution would defer consideration of the Decade to the Commission's fifty-fourth session. She hoped that the deferral would enable member States to complete the implementation of Commission resolution 1996/44.

44. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Bangladesh, Colombia, Madagascar, Republic of Korea, Ukraine and Uruguay and the observers for Australia, Equatorial Guinea and Israel had become sponsors of the draft resolution.

45. Draft resolution E/CN.4/1997/L.55 was adopted.

Draft resolution on regional arrangements for the promotion and protection of human rights (E/CN.4/1997/L.59)

46. Mr. COUVREUR (Observer for Belgium) said that regional efforts to improve the enjoyment of human rights and enhance cooperation with the United Nations included the reforms being implemented by the Council of Europe to unify monitoring mechanisms for the European Convention on Human Rights and to expedite the processing of communications; the discussions undertaken with a view to establishing an African court of human rights; the conclusion of a cooperation agreement between the United Nations and the Organization of American States (OAS); and the exchange of human rights information and education between the Centre for Human Rights and regional bodies.

47. The draft resolution closely reflected the provisions of General Assembly resolution 51/102, which had been adopted by consensus. He hoped that the draft resolution under consideration would also be adopted without a vote.

48. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Cape Verde, El Salvador, France, Madagascar, Netherlands, United Kingdom and Uruguay and the observers for Equatorial Guinea, Estonia, Malta, New Zealand and Venezuela had become sponsors of the draft resolution.

49. Draft resolution E/CN.4/1997/L.59 was adopted.

Draft resolution on preparations for the fiftieth anniversary of the Universal Declaration of Human Rights (E/CN.4/1997/L.60)

50. Mr. DEMBINSKI (Observer for Poland) said that the preparation of the draft resolution had been enriched by a seminar on the subject organized at Warsaw in January 1997.

51. At the request of the members of the African Group, a new paragraph 4 would be inserted to read:

> "4. Welcomes the proposal by the Government of Angola to host in 1998 the Organization of African Unity member States Ministerial Conference on Human Rights in Africa, in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, pursuant to resolution 1673 (LXIV) adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, and requests the Secretary-General of the United Nations to consider favourably requests from the General Secretariat of the Organization of African Unity or the host country relating to the organization of the Conference."

52. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Algeria, Angola, Argentina, Bangladesh, Benin, Canada, Cape Verde, Egypt, Ethiopia, Gabon, Guinea, Ireland, Japan, Madagascar, Mali, Mozambique, South Africa, Uganda, Uruguay, Zaire and Zimbabwe and the observers for Equatorial Guinea, Greece, Portugal, Slovakia, the former Yugoslav Republic of Macedonia, Togo and Venezuela had become sponsors of the draft resolution.

53. Draft resolution E/CN.4/1997/L.60 was adopted.

Draft resolution on human rights and arbitrary deprivation of nationality (E/CN.4/1997/L.62)

54. Mr. ROGOV (Russian Federation), introducing the draft resolution, paid tribute to the foresight shown by the drafters of the Universal Declaration of Human Rights in including the right to nationality therein. It had become one of the basic standards in international and regional human rights instruments, and was considered a fundamental human right by judges and experts around the world.

55. In the dark days of his country's past, some citizens had been deprived of their nationality; such injustice had since been prohibited by the Constitution. Unfortunately, citizens in various other parts of the world continued to be arbitrarily deprived of their nationality. As the fiftieth anniversary of the Universal Declaration of Human Rights approached, the draft resolution before the Commission would reaffirm the fundamental dignity of human beings.

56. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Belarus, Colombia and Nicaragua, and the observers for Peru and Portugal had become sponsors of the draft resolution.

57. Draft resolution E/CN.4/1997/L.62 was adopted.

Draft resolution on human rights and thematic procedures (E/CN.4/1997/L.64)

58. Mr. SKODA (Czech Republic), introducing the draft resolution on behalf of its sponsors, said that it reflected the importance of the Commission's thematic procedures among its human rights mechanisms and emphasized close cooperation with Governments. It was based on Commission resolution 1996/46, which had been edited to give a more concise and better structured text.

59. Mrs. KLEIN (Secretary of the Commission) said that the representatives of the Russian Federation and Uruguay and the observers for Australia, Greece and Liechtenstein had become sponsors of the draft resolution.

60. Mr. J.A. FERNANDEZ (Cuba), supported by Ms. JANJUA (Pakistan), speaking in explanation of position, said that his delegation was willing to join the consensus on the draft resolution on the understanding that its adoption without a vote would be without prejudice to the other draft resolutions on thematic procedures sponsored by his delegation.

61. Draft resolution E/CN.4/1997/L.64 was adopted.

Draft resolution on internally displaced persons (E/CN.4/1997/L.66)

62. Mr. STROHAL (Austria), introducing the draft resolution on behalf of its sponsors, said it reflected the concern of the international community expressed in earlier resolutions of the Commission and General Assembly, and encouraged the representative of the Secretary-General to continue his valuable work.

63. Following informal consultations, the sponsors had made two changes. The first part of the ninth preambular paragraph would read:

> "Reaffirming the finding of the representative of the Secretary-General that a central coordination mechanism to assign responsibilities is essential in emergency situations where the Government of the country concerned is unable to discharge its normal responsibilities, and welcoming in this context ..."

In the fourth line of paragraph 6, the words "welcomes the preparation of guiding principles" would be replaced by "takes note of his preparations for guiding principles".

64. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Canada and the Russian Federation and the observers for Australia and Liechtenstein had become sponsors of the draft resolution.

65. Draft resolution E/CN.4/1997/L.66, as orally revised, was adopted.

Draft resolution on national institutions for the promotion and protection of human rights (E/CN.4/1997/L.67)

66. Mr. LANGMAN (Observer for Australia), introducing the draft resolution on behalf of its sponsors, said there was a growing belief that well-funded national human rights institutions could make a major contribution to the implementation and advancement of human rights. The draft resolution noted the importance of technical assistance from the Centre for Human Rights and of arrangements for national institutions to participate in an appropriate manner in meetings of the Commission, and encouraged the increase in activities at the regional level.

67. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Algeria, Argentina, Colombia, El Salvador, Indonesia, Italy and Sri Lanka and the observers for Equatorial Guinea, Estonia, Israel, Norway, Senegal, Spain, Sweden, the former Yugoslav Republic of Macedonia and Venezuela had become sponsors of the draft resolution.

68. Mr. COMBA (Centre for Human Rights) said that the costs associated with the holding of a fourth international workshop on national institutions and related meetings would, it was expected, be met from extrabudgetary contributions. Consequently, the draft resolution, if adopted, would not give rise to any additional requirements under section 21 of the programme budget for the 1996-1997 biennium.

69. Draft resolution E/CN.4/1997/L.67 was adopted.

Draft resolution on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1997/L.73)

70. Mr. TOSCANO (Italy), introducing the draft resolution on behalf of its sponsors, said that it stressed the importance of activities to raise public awareness of human rights issues, and urged the Centre for Human Rights and the Department of Public Information to cooperate closely in the realization of information and publication programmes. The use of up-to-date computer and telecommunications technology was encouraged, and all Member States were requested to publicize the activities of the United Nations in the field of human rights, particularly within the framework of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights and the United Nations Decade for Human Rights Education.

71. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Algeria, Belarus and Ecuador and the observers for Peru, Senegal and Slovenia had become sponsors of the draft resolution.

72. Draft resolution E/CN.4/1997/L.73 was adopted.

Draft resolution on human rights and terrorism (E/CN.4/1997/L.74)

73. Mr. MERIC (Observer for Turkey), introducing the draft resolution on behalf of its sponsors, said that it was unequivocal in its condemnation of terrorism and expressed serious concern at the gross violations of human rights by terrorist groups and at the growing connection between terrorist

groups and organized crime. It had been decided not to include a definition of terrorism, as that complex issue was being dealt with in another forum of the United Nations.

74. He wished to make it clear that, while the draft resolution in no way prejudiced the right of peoples under colonial or other forms of alien domination to take legitimate action to realize their inalienable right to self-determination, it could not be construed as encouraging any action that might have a negative effect on the territorial integrity or political unity of sovereign States.

75. There were two changes to be made to the text: in the fourteenth preambular paragraph, the comma after "international law" would be removed while, in the first and second lines of paragraph 4, the words "in conformity with relevant provisions of international law" would be replaced by "in strict conformity with international law".

76. Mr. DEMBRI (Algeria) drew attention to some editorial corrections to be made in the second, third and fourth preambular paragraphs of the Arabic text.

77. Mr. QAZI (Pakistan) said that his Government condemned terrorism in all its forms and supported international cooperation to combat that menace to civilized society. His delegation had thus become a sponsor of the draft resolution, on the understanding that it was without prejudice to the right to self-determination of peoples under colonial and other forms of alien domination. The definition of terrorism would have to be addressed since the absence of a definition would create serious legal complications in developing the international community's response.

78. Mr. HERNANDEZ BASAVE (Mexico), speaking in explanation of vote before the voting, said that his delegation was committed to the international struggle against terrorist acts and strongly supported the draft resolution. On the eleventh preambular paragraph, however, it took the view that violations of human rights could be attributed only to States and governmental agents - not terrorist groups. It fully supported the revised versions of the fourteenth preambular paragraph and paragraph 4, since it considered that the term "standards" referred to norms recognized under international law.

79. Mr. SALINAS RIVERA (Chile) said that, while his delegation would not oppose the draft resolution, it was firmly convinced that violations of human rights were institutional in nature and could be attributed only to States and their agents. The actions of terrorist groups, however grave and repugnant they might be, constituted criminal offences for which punishment should be provided under the law. To state, as the draft resolution did, that terrorist acts in themselves constituted violations of human rights amounted to a distortion of the concepts and could have a negative impact on the international system for human rights protection.

80. Mr. van WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union, said that the Union unequivocally condemned all acts, methods and practices of terrorism, but believed that the Sixth Committee of the General Assembly was the forum best suited for a thorough examination of the matter. The fight against terrorism remained a matter of the highest priority for the Union, whose territory and inhabitants had often been subjected to the unjustifiable acts of terrorist groups.

81. The existence of terrorism and of such acts, however, could not be invoked to justify human rights violations by any State and it was important that the fight against terrorism should be carried out in full respect for human rights and fundamental freedoms. The Union thus welcomed the inclusion, in the fourteenth preambular paragraph and paragraph 4, of an unequivocal reaffirmation that all measures to counter terrorism must be in strict conformity with international human rights standards, as well as the reaffirmation, in paragraph 5, that cooperation at the regional and international levels in the fight against terrorism had to be carried out in accordance with the relevant international instruments.

82. In connection with the eleventh preambular paragraph, the Union did not support the assertion that terrorist acts as such constituted human rights violations and did not consider that the paragraph conferred on terrorists any status under international law. The distinction between acts attributable to States and criminal acts was an important one.

83. However, despite its reservations, the Union would not stand in the way of the adoption of the draft resolution without a vote.

84. Mr. LOFTIS (United States of America) said that his delegation regretted that it was unable to vote for the draft resolution, although its Government was deeply committed to the international community's effort to combat terrorism and promote and safeguard human rights throughout the world. In attempting to serve both those causes, however, the draft resolution served neither well.

85. Terrorism could be more appropriately addressed in other United Nations forums, such as the Sixth Committee of the General Assembly. The 1994 Declaration on Terrorism adopted by that body remained the most comprehensive United Nations statement on the subject. The Commission's consideration of the issue only complicated that important work, while the attempt in the draft resolution to dictate the content of any future convention on terrorism was a misguided and counter-productive one.

86. His delegation had noted with concern the description in paragraph 2 of terrorist acts as "acts of aggression". That language, by echoing that used in Chapter VII of the Charter, could have unintended and negative consequences.

87. Terrorists clearly had no respect for human rights, but they were granted a measure of the legitimacy they sought when, as in the draft resolution, their criminal conduct was equated with that of States which violated human rights. In the zeal to denounce terrorist acts, care should be taken not to send misleading messages about the Commission's mandate or to hamper its ability to do its work.

88. In view of all those considerations, his delegation called for a vote on the draft resolution as orally revised.

89. Ms. REGAZZOLI (Argentina) said that her country had recently suffered two barbarous acts of terrorism and that her Government condemned all such acts, which constituted a threat. to democracy throughout the world. However,

like previous speakers, she took the view that only States and their agents could be deemed responsible for violations of human rights. To attribute such acts to terrorists was to elevate them to a status they did not deserve. It was unfortunate, therefore, that the eleventh preambular paragraph failed to distinguish between the responsibility of States and that of terrorist groups.

90. Mr. STEEL (United Kingdom), having endorsed the explanation of position made on behalf of the European Union, said he wished to make it clear that his Government did not accept the assertion in paragraph 4 of the draft resolution that terrorist acts were "acts of aggression". Those words, which had a specific meaning under the Charter, had been defined by the General Assembly in its resolution 3314 (XXIX) of 14 December 1974 and did not include terrorist acts. Criminal acts of terrorism must be clearly distinguished from acts of aggression attributable to States.

91. Ms. NOLKE (Canada) said her delegation would abstain during the voting on the draft resolution. While her Government unequivocally condemned acts of terrorism, it took the view that such acts did not constitute violations of human rights. She also agreed with the representative of the United Kingdom that acts of terrorism committed by individuals did not constitute acts of aggression which, under international law, could be committed only by States.

92. At the request of the representative of Ireland, a vote was taken by roll-call on the draft resolution.

93. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cape Verde, China, Colombia, Cuba, Egypt, Ethiopia, India, Indonesia, Ireland, Japan, Malaysia, Mali, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Uruguay.

Against: None.

Abstaining: Angola, Argentina, Austria, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Guinea, Italy, Madagascar, Mexico, Netherlands, Nicaragua, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Zimbabwe.

94. The draft resolution, as orally revised, was adopted by 28 votes to none, with 23 abstentions.

Draft resolution on integrating the human rights of women throughout the United Nations system (E/CN.4/1997/L.75)

95. Ms. MLACAK (Canada), introducing the draft resolution on behalf of its sponsors, said that there were two changes to be made to paragraph 11. In the fourth line, the word "the" would be inserted between "to provide training in" and "human rights of women", and the phrase "the gender aspect", in the ninth line, would be replaced by "the gender aspects".

96. Mrs. KLEIN (Secretary of the Commission) said that the representatives of the Dominican Republic, Italy, Japan, Netherlands, United Kingdom and United States of America and the observers for Latvia, Peru and Venezuela had become sponsors of the draft resolution.

97. The draft resolution was adopted.

Draft resolution on the elimination of violence against women (E/CN.4/1997/L.76)

98. Ms. MLACAK (Canada), introducing the draft resolution on behalf of its sponsors, said that there had been a technical omission in paragraph 9, subparagraph (b): between the words "whenever possible," and "pertaining to violence", the word "information" should be inserted. In order to bring the wording of subparagraph (h) of the same paragraph into line with that of Beijing Platform for Action, the word "immigration" in the third line, should be replaced by "immigrant" and the word "insured", in the last line, by "assured".

99. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Algeria, Benin, Cape Verde, Dominican Republic, France, Japan, Mexico, United Kingdom, United States of America, Uruguay and Zimbabwe and the observers for Belgium, Senegal, Togo and Venezuela had become sponsors of the draft resolution.

100. Miss HERNANDEZ QUESADA (Cuba) said that, while her delegation would not oppose adoption of the draft resolution, by consensus, it was concerned at the selective references to a restricted number of the Special Rapporteur's recommendations. Such urgent issues as the need to evaluate the impact of new technology and the communications revolution on violence against women were not mentioned at all, nor were the Special Rapporteur's recommendations on the effect of violence against women of the phenomena of migratory movements and racial discrimination. Moreover, paragraph 5 raised issues totally extraneous to the Commission's mandate.

101. It hoped that, when the topic of violence against women was being considered in the future, a more integrated approach would be taken and that sponsors of future draft resolutions on the issue would adopt a more flexible and cooperative approach to negotiations.

102. Mr. SABOIA (Brazil) said that, as a sponsor of the draft resolution which had not been consulted on the proposed amendment to paragraph 9, subparagraph (h), his delegation wished to state that the original wording seemed more logical. The new version seemed to imply that "immigrant" personnel were likely to commit gender-based acts of violence, which was certainly not the case.

103. Ms. GHOSE (India) said that, although her delegation strongly supported the Special Rapporteur's work, it had been unable to sponsor the draft resolution as it could not go along with the suggestion in paragraph 5 that a gender perspective could be applied to all the international crimes falling within the jurisdiction of the future International criminal court. It was

difficult to envisage, for example, the application of a gender perspective to crimes such as genocide. Unfortunately, an amendment proposed by her delegation to correct that imprecision had not been accepted by the sponsors.

104. Mr. de ICAZA (Mexico) said that his delegation - a sponsor of the draft resolution - had not been consulted on the proposed change, in paragraph 9, subparagraph (h), of the phrase "immigration personnel" to "immigrant personnel". If the sponsors insisted on that change, his delegation would be forced to withdraw its sponsorship, call for a vote on the subparagraph, and vote against it.

105. Ms. MLACAK (Canada) said that the change had been intended merely to bring the text into line with that of the Beijing Platform for Action, but her delegation would not press for its inclusion.

106. Mr. COMBA (Centre for Human Rights), explaining the financial implications of the draft resolution, said that, since it called for the extension of the Special Rapporteur's mandate, a provision of $128,000 would be included under section 22 of the proposed programme budget for 1998-1999 to cover travel, per diem and general operating expenses for the Special Rapporteur in Geneva and on field missions. The requirements for 1997 would be financed from within existing resources provided for Economic and Social Council mandates under section 21 of the approved programme budget for 1996-1997.

107. The draft resolution on the elimination of violence against women, as orally revised, was adopted.

The meeting rose at 6.15 p.m.